

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ILIR STAROVA, )  
 ) CASE NO. C13-0222-JLR-MAT  
Petitioner, )  
 )  
v. )  
 ) REPORT AND RECOMMENDATION  
ERIC H. HOLDER, JR., Attorney General of )  
the United States, et al., )  
 )  
Respondents. )  
\_\_\_\_\_ )

On February 7, 2013, petitioner Ilir Starova, proceeding pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, which challenges his continued immigration detention and seeks an order directing respondents to release him from immigration detention. Dkt. No. 1. After the habeas corpus petition was filed, however, petitioner was released from immigration detention on February 28, 2013, under an order of supervision. Dkt. No. 10, Exh. A. His habeas petition has, therefore, become moot and should be dismissed.

Under 28 U.S.C. § 2241, a writ of habeas corpus “shall not extend to a prisoner unless . . . [h]e is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The “in custody” requirement is satisfied at the time the petition is filed.

01 *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (citations omitted). To maintain a habeas claim, a  
 02 petitioner must continue to have a personal stake in the outcome of the suit throughout “all  
 03 stages of federal judicial proceedings.” *United States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir.  
 04 2001). At any stage of the proceedings, a petition may become moot “because it no longer  
 05 present[s] a case or controversy under Article III, § 2, of the Constitution.” *Spencer*, 523 U.S.  
 06 at 7. “For a habeas petition to continue to present a live controversy after the petitioner’s  
 07 release or deportation, however, there must be some remaining collateral consequences that  
 08 may be redressed by success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir.  
 09 2007) (citing *Spencer*, 523 U.S. at 7).

10 Here, the relief sought in the habeas petition – release from immigration detention – is  
 11 no longer available and there are no collateral consequences that may be redressed. *See id.*  
 12 (“[W]here the grounds for habeas relief will not redress collateral consequences, a habeas  
 13 petition does not continue to present a live controversy once the petitioner is released from  
 14 custody.”). The habeas petition, therefore, has become moot and should be dismissed. *See*  
 15 *id.*; *see also Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992)(holding that the District  
 16 Court properly dismissed plaintiff’s claims that had become either moot or unripe).

17 Therefore, it is recommended that respondents’ motion to dismiss be GRANTED, and  
 18 this matter be dismissed with prejudice. A proposed order accompanies this Report and  
 19 Recommendation.

20 DATED this 14th day of March, 2013.

21 

22 Mary Alice Theiler  
 United States Magistrate Judge